

John T. Morgan (#3839)

UNITED STATES DEPARTMENT OF JUSTICE

Office of the United States Trustee

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Attorney for Charles F. McVay, United States Trustee

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF UTAH
CENTRAL DIVISION**

In re:	Bankruptcy Case No. 09-30289 RKM (Chapter 11) Honorable R. Kimball Mosier
CARLSBAD DEVELOPMENT II, LLC,	Hearing Date: November 19, 2009 at 10:30 a.m. Objection Deadline: <u>November 2, 2009</u>
Debtor.	(Filed Electronically)

**NOTICE OF HEARING ON UNITED STATES TRUSTEE'S MOTION TO DISMISS
OR TO CONVERT CASE TO CHAPTER 7 OR IN THE ALTERNATIVE MOTION
TO APPOINT CHAPTER 11 TRUSTEE OR EXAMINER AND/OR
OTHER APPROPRIATE SANCTIONS**

PLEASE TAKE NOTICE that the United States Trustee has filed with the United States Bankruptcy Court for the District of Utah a Motion seeking dismissal of this Chapter 11 Case or conversion of the Case to Chapter 7 or in the alternative appointment of a Chapter 11 trustee or examiner and/or other appropriate sanctions.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

The Motion has been scheduled for hearing on **November 19, 2009 at the hour of 10:30 a.m.**, at the United States Courthouse, 350 South Main Street, Room 369, Salt Lake City, UT 84101, before the Honorable R. Kimball Mosier, United States Bankruptcy Court Judge.

If you do not want the court to dismiss or convert the present case or appoint a Chapter 11 trustee or examiner, or if you want the court to consider your views on the United States Trustee's Motion to Dismiss or to Convert Case to Chapter 7 or in the Alternative Motion to Appoint Chapter 11 Trustee or Examiner And/or Other Appropriate Sanctions, then on or before **November 2, 2009**, you or your attorney must:

File a written response or objection to the Motion at:

Clerk, United States Bankruptcy Court
Frank E. Moss, United States Courthouse
350 South Main Street, Suite 301
Salt Lake City, UT 84101

If you mail your response or objection to the court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above.

You must also mail a copy to:

United States Trustee
405 South Main Street, Suite 300
Ken Garff Building
Salt Lake City, UT 84111

If you file a written response or objection, you must attend the hearing scheduled on **November 19, 2009**.

If you or your attorney do not take the steps listed above, the Court may decide that you do not oppose the relief sought in the Motion and may enter an order granting that relief without a hearing.

The foregoing Motion set forth herein is on file with the Clerk of the Bankruptcy Court and may be reviewed during regular business hours. Copies may also be obtained by sending a written request to United States Trustee, 405 South Main Street, Suite 300, Ken Garff Building, Salt Lake City, Utah 84111.

DATED this 8th day of October 2009.

Respectfully submitted,

By: _____/s/
John T. Morgan
Attorney for United States Trustee

CERTIFICATE OF MAILING

I HEREBY CERTIFY that I mailed a true and correct copy of the foregoing **NOTICE OF HEARING ON UNITED STATES TRUSTEE'S MOTION TO DISMISS OR TO CONVERT CASE TO CHAPTER 7 OR IN THE ALTERNATIVE MOTION TO APPOINT CHAPTER 11 TRUSTEE OR EXAMINER AND/OR OTHER APPROPRIATE SANCTIONS** to the following parties on this 8th day of October 2009. The notice was sent to all remaining parties listed on the Debtor's matrix as of this date pursuant to a BNC Noticing Request.

Carlsbad Development II, LLC
601 North Bald Mountain Drive
Alpine, UT 84004

_____/s/
John T. Morgan

CERTIFICATE OF NOTICE

District/off: 1088-2
Case: 09-30289

User: bfg
Form ID: pdfmssc

Page 1 of 1
Total Noticed: 1

Date Rcvd: Oct 08, 2009

The following entities were noticed by first class mail on Oct 10, 2009.
db +Carlsbad Development II, LLC, 601 North Bald Mountain Drive, Alpine, UT 84004-1932

The following entities were noticed by electronic transmission.
NONE.

TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 9): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Oct 10, 2009

Signature:

